

**LDD**  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: SD-NY

Address of Defendant: \_\_\_\_\_

Place of Accident, Incident or Transaction: \_\_\_\_\_  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number: MDL 2654-TR Judge DAVIS Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify) \_\_\_\_\_

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) \_\_\_\_\_

3/14/16

**ARBITRATION CERTIFICATION**

(Check Appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.# \_\_\_\_\_

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 3/14/16

Eric Solinski  
Attorney-at-Law

Attorney I.D.# \_\_\_\_\_

CLOSED,ECF

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:16-cv-01027-ALC**

16-1165

Nemerofsky v. National Railroad Passenger Corporation et al  
Assigned to: Judge Andrew L. Carter, Jr  
Cause: 28:1333in Personal Injury

Date Filed: 02/10/2016  
Date Terminated: 03/14/2016  
Jury Demand: Plaintiff  
Nature of Suit: 360 P.I.: Other  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Elissa Nemerofsky**  
*Plaintiff*

represented by **James J. O'Rourke, III**  
O'rourke & Hansen, PLLC.  
235 Brookside Drive  
Hauppauge, NY 11788  
(631)-361-3400  
Fax: (631)-361-7324  
Email: jamesjorourke@yahoo.com  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**National Railroad Passenger Corporation**  
*doing business as*  
**Amtrak**

represented by **John Anthony Bonventre**  
Landman Corsi Ballaine & Ford, P.C.  
One Gateway Center, Fourth Floor  
Newark, NY 10279  
(973)-623-2700  
Fax: (973)-623-4496  
Email: jbonventre@lcbf.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Timothy Paul Malacrida**  
Landman Corsi Ballaine & Ford, PC (Newark)  
One Gateway Center, 4th Floor  
Newark, NJ 07102  
(973)-623-2700  
Fax: (973)-623-4496  
Email: tmalacrida@lcbf.com  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Brian Bostian**

represented by **John Anthony Bonventre**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Timothy Paul Malacrida**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/10/2016	<u>1</u>	COMPLAINT against Brian Bostian, National Railroad Passenger Corporation d/b/a Amtrak. (Filing Fee \$ 400.00, Receipt Number 0208-11940065) Document filed by Elissa Nemerofsky.(O'Rourke, James) (Entered: 02/10/2016)
02/11/2016		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney James J. O'Rourke, III. The party information for the following party/parties has been modified: Brian Bostian, National Railroad Passenger Corporation d/b/a Amtrak, Elissa Nemerofsky. The information for the party/parties has been modified for the following reason/reasons: party role was entered incorrectly; alias party name was omitted;. (dgo) (Entered: 02/11/2016)
02/11/2016		***NOTICE TO ATTORNEY TO ELECTRONICALLY FILE CIVIL COVER SHEET. Notice to Attorney James J. O'Rourke, III. Attorney must electronically file the Civil Cover Sheet. Use the event type Civil Cover Sheet found under the event list Other Documents. (dgo) (Entered: 02/11/2016)

02/11/2016		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Andrew L. Carter, Jr. Please download and review the Individual Practices of the assigned District Judge, located at <a href="http://nysd.uscourts.gov/judges/District">http://nysd.uscourts.gov/judges/District</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="http://nysd.uscourts.gov/ecf_filing.php">http://nysd.uscourts.gov/ecf_filing.php</a> . (dgo) (Entered: 02/11/2016)
02/11/2016		Magistrate Judge Kevin Nathaniel Fox is so designated. (dgo) (Entered: 02/11/2016)
02/11/2016		Case Designated ECF. (dgo) (Entered: 02/11/2016)
02/18/2016	<u>2</u>	WAIVER OF SERVICE RETURNED UNEXECUTED. Document filed by Elissa Nemerofsky. (O'Rourke, James) (Entered: 02/18/2016)
02/19/2016	<u>3</u>	NOTICE OF APPEARANCE by John Anthony Bonventre on behalf of Brian Bostian, National Railroad Passenger Corporation. (Bonventre, John) (Entered: 02/19/2016)
02/19/2016	<u>4</u>	NOTICE OF APPEARANCE by Timothy Paul Malacrida on behalf of Brian Bostian, National Railroad Passenger Corporation. (Malacrida, Timothy) (Entered: 02/19/2016)
02/25/2016	<u>5</u>	WAIVER OF SERVICE RETURNED EXECUTED. All Defendants. Document filed by Elissa Nemerofsky. (O'Rourke, James) (Entered: 02/25/2016)
03/14/2016	<u>6</u>	CERTIFIED TRUE COPY OF CONDITIONAL MDL TRANSFER OUT ORDER FROM THE MDL PANEL....transferring this action from the U.S.D.C. - S.D.N.Y to the United States District Court - Eastern District of Pennsylvania. (Signed by MDL Panel on 3/11/2016) (sjo) (Entered: 03/14/2016)
03/14/2016		MDL TRANSFER OUT ELECTRONICALLY: to the United States District Court - Eastern District of Pennsylvania. (sjo) (Entered: 03/14/2016)

PACER Service Center			
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03/14/2016 09:38:33			
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Billable Pages:	2	Cost:	0.20

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: AMTRAK TRAIN DERAILMENT IN  
PHILADELPHIA, PENNSYLVANIA, ON MAY 12,  
2015

16-1165

MDL No. 2654

**FILED**

MAR 14 2016

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO -4)

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep Clerk

On October 13, 2015, the Panel transferred 6 civil action(s) to the United States District Court for the Eastern District of Pennsylvania for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* F.Supp.3d (J.P.M.L. 2015). Since that time, 29 additional action(s) have been transferred to the Eastern District of Pennsylvania. With the consent of that court, all such actions have been assigned to the Honorable Legrome D Davis.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Pennsylvania and assigned to Judge Davis.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. § 1407 to the Eastern District of Pennsylvania for the reasons stated in the order of October 13, 2015, and, with the consent of that court, assigned to the Honorable Legrome D Davis.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

Mar 11, 2016

CLERK'S OFFICE  
UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:



Jeffery N. Lüthi  
Clerk of the Panel

**IN RE: AMTRAK TRAIN DERAILMENT IN  
PHILADELPHIA, PENNSYLVANIA, ON MAY 12,  
2015**

MDL No. 2654

**SCHEDULE CTO-4 – TAG-ALONG ACTIONS**

<b><u>DIST</u></b>	<b><u>DIV.</u></b>	<b><u>C.A.NO.</u></b>	<b><u>CASE CAPTION</u></b>
NEW JERSEY			
NJ	2	16-00419	PEARLSTEIN v. NATIONAL RAILROAD PASSENGER CORPORATION
NEW YORK SOUTHERN			
NYS	1	16-01027	Nemerofsky v. National Railroad Passenger Corporation et al
NYS	1	16-01441	Chandan v. National Railroad Passenger Corporation